

REMARKS

The August 12, 2004 Office Action, the Examiner objects to claim 19 based on informalities and asserts that claims 5, 6, 10-12, 17 and 18 contain allowable subject matter. The Examiner also rejects claims 1, 3, 4 and 13 under 35 U.S.C. 102(e) as being anticipated by Danziger et al. (US 2002/006257A1); claims 7, 9, and 15 under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (US Patent No. 5,602,666A) in view of Abbott et al. (US Patent No. 6,567,577B2); claims 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Danziger et al. in view of Ishikawa et al.; claims 2 and 14 under 35 U.S.C. 103(a) as being unpatentable over Danziger et al. in view of Ihara et al. (US Patent No. 5,999,289A); and claims 8 and 16 under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. in view of Abbott et al. and further in view of Ihara et al.; and claim 21 under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. in view of Abbott et al. and further in view of Penninckx et al. (US Patent no. 6,317,240).

Claims 1, 5-7, 10-13, 15 and 19 have been amended.

Claims 5, 6 and 10-12, 17 and 18 are "objected to". The "objected to" claims 5, 6 and 10-12 have been rewritten into independent form to be allowable. Claims 1 and 7 have been amended to include all of the limitations of objected claim 17. Further, claims 13 and 15 have been amended to include all of the limitations of objected claim 18.

The Applicants respectfully submit that claim 19 has been amended in response to the Examiners comments at item 1 on page 2 of the Office Action.

At page 14 of the Office Action, the Examiner admits that the prior art references relied upon fail to disclose "a circuit that detects a value of dispersion slope based on the detected chromatic dispersion of at least two optical signals and subsequently controls the variable compensator based on the detected chromatic dispersion and the detected dispersion slope.

Thus, independent claim 1 has been amended to recite "detecting chromatic dispersion related to at least two channels, and detecting dispersion slope based on said detected chromatic dispersion; and providing a variable dispersion compensator whose chromatic dispersion and dispersion slope are controlled based on said detected chromatic dispersion and said detected dispersion slope.

Further, independent claim 7 has been amended to recite “detecting chromatic dispersion related to at least two channels, and detecting dispersion slope based on said detected chromatic dispersion so that said detected chromatic dispersion is reduced, and providing a dispersion slope compensator for compensating dispersion slope based on said detected dispersion slope.

Further, independent claims 13 and 15 have been amended to recite “a dispersion monitor for detecting chromatic dispersion related to at least two channels, and detecting dispersion slope based on said detected chromatic dispersion; a variable dispersion compensator; and a circuit controlling the chromatic dispersion and dispersion slope in said variable dispersion compensator based on said detected chromatic dispersion and said detected dispersion slope”.

Based upon the amendments to claims 1, 5, 6, 7, 10-13 and 15, these claims patentably distinguish over the foregoing references relied upon. Further, the dependent claims 2, 3, 4, 8, 9, 14, 16, 17, 18, 19, 20 and 21 also patentably distinguish over the foregoing references relied upon at least due to their dependency upon claims 1, 7, 13 and 15, respectively.

In addition, the dependent claims 2, 3, 4, 8, 9, 14, 16, 17, 18, 19, 20 and 21 also patentably distinguish over the foregoing references relied upon based upon patentably distinguishing features of their own, for example, claim 3 recites “wherein said transmitting comprises providing a linear repeating unit”.

Withdrawal of the rejection is respectfully requested.

Neither of the foregoing references relied upon disclose all of the features recited in new claims 22 and 23. For example, neither of the references relied upon recite “detecting chromatic dispersion related to at least one of said plurality of optical signals during an operation of a system,” as recited in both claims 22 and 23.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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